

**U.S. DEPARTMENT OF LABOR**

**SECRETARY OF LABOR  
WASHINGTON, D.C.**

DATE: October 28, 1987

CASE NO. 84-ERA-28

IN THE MATTER OF

DANIEL JAMES,  
COMPLAINANT,

v.

DRESSER-ATLAS DIVISION,  
RESPONDENT.

BEFORE: THE SECRETARY OF LABOR

**ORDER TO SUBMIT SETTLEMENT AGREEMENT**

This case, arising under the employee protection provision of the Energy Reorganization Act of 1974 (ERA), 42 U.S.C. § 5851 (1982), is before me pursuant to the recommended order dismissing this case with prejudice<sup>1</sup> issued by Administrative Law Judge (ALJ) Alexander Karst on March 13, 1987. The ALJ's recommendation is made pursuant to a motion made by the parties, through their attorneys, "that this matter be dismissed with prejudice for the reason that the case has been settled pursuant to the terms of the agreement announced in open court and on the record on October 22, 1986."

No copy of the settlement agreement has been filed and the transcript for October 22, 1986, is not in the record. Additionally, there is no finding by the ALJ that the terms of the settlement are fair, adequate and reasonable. See *Macktal v. Brown & Root, Inc.*, No. 86-ERA-23, Order to Submit Settlement Agreement at 2-3, May 11, 1987; *Johnson v. Transco Products*, Case No. 85-ERA-7, slip op. at 1, Aug. 8, 1985; 42 U.S.C. § 5851(b)(2)(A) (1982).<sup>2</sup> Although it is not necessary that the settlement agreement be made part of my final order, without an opportunity to review the agreement I cannot determine whether the terms of the settlement should be approved.

Accordingly, the parties are ordered to file with me within thirty (30) days of receipt of this order a certification or stipulation setting forth the terms of the settlement agreement signed by all parties, including Complainant individually, and attesting to the veracity of the terms of the agreement.

SO ORDERED.

WILLIAM E. BROCK  
Secretary of Labor

Washington, D.C.

**[ENDNOTES]**

<sup>1</sup>Under the regulations implementing the ERA, the ALJ issues a recommended decision and order which is forwarded to me for review and the issuance of a final order. See 29 C.F.R. § 24.6 (1986).

<sup>2</sup>Section 5851(b)(2)(A) provides in pertinent part that "the Secretary shall, unless the proceeding is terminated by the Secretary on the basis of a settlement entered into by the Secretary . . . issue an order either providing the relief prescribed by subparagraph (B) or denying the complaint.. (emphasis added).